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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

9 || WILLIE J. SMITH, JR.

Petitioner,

11 | VS.

12 BRIAN WILLIAMS, et al.,

13 || Respondents.

Case No. 2:14-cv-00739-JAD-PAL

ORDER

Petitioner has submitted an application to proceed *in forma pauperis* (Doc. 5). The court finds that petitioner is unable to pay the filing fee.

Petitioner challenges the validity of his judgment of conviction in *State v. Smith*, Case No. 02C182520, in the Eighth Judicial District Court of the State of Nevada. Petitioner was convicted of possession of stolen property and adjudicated as a habitual criminal. Petitioner challenged the same judgment of conviction in *Smith v. Neven*, Case No. 2:07-cv-00161-JCM-GWF. In that action, this court denied the habeas corpus petition on the merits and denied a certificate of appealability. Petitioner appealed the denial. The Court of Appeals for the Ninth Circuit denied a certificate of appealability. The Supreme Court of the United States denied a petition for a writ certiorari.

25 The petition in this action is a second or successive petition as defined in 28 U.S.C.
26 § 2244(b). Petitioner must first obtain authorization from the court of appeals before this court can
27 consider his petition. 28 U.S.C. § 2244(b)(3).

IT IS THEREFORE ORDERED that the application to proceed *in forma pauperis* (Doc. 5) is **GRANTED**. Petitioner need not pay the filing fee of five dollars (\$5.00).

IT IS FURTHER ORDERED that the clerk shall add Catherine Cortez Masto, Attorney General for the State of Nevada, as counsel for respondents.

IT IS FURTHER ORDERED that the clerk shall electronically serve respondents with a copy of the petition (#1) and a copy of this order. No response by respondents is necessary.

IT IS FURTHER ORDERED that, pursuant to Circuit Rule 22-3(a), the clerk of the court shall refer this action to the United States Court of Appeals for the Ninth Circuit.

IT IS FURTHER ORDERED that the clerk of the court shall administratively close this action.

Dated: September 17, 2014.

JENNIFER A. DORSEY
United States District Judge